

Facility:
Date:
Surveyor:

Three Types of Regulations
Intermediate Care Facility/Individuals with Intellectual Disabilities

Directions: The regulatory language indicates that there are generally three types of regulations: structure, process, and outcome. There are also combinations of types of regulations. Types give us clues about the types of evidence needed to prove compliance or noncompliance, and help us to focus on their intent. In the table below, you will find a regulation type, some information about the type of evidence needed and in some cases examples of evidence.

Item
Structure
<ul style="list-style-type: none">Facilities must meet structure regulations in the absolute sense. Either they have it, or they don't. It is generally a black and white question and answer.<ul style="list-style-type: none">Example: Each room must be so many square feet, and there must be so many bathrooms.
Process (system)
<ul style="list-style-type: none">Policies and procedures, system of quality assurance, system of abuse prevention<ul style="list-style-type: none">Example: Facilities did not do assessments and care plans, which resulted in the nurse's aides not knowing what the beneficiary needed for care, and the result was poor care, an outcome of which is pressure ulcers. This is specific to a process. The regulation states the facility or provider will have a process or system or a standard way of doing things.
Outcome
<ul style="list-style-type: none">These have direct cause and effect to the beneficiary, what care he or she gets, and what quality is expected<ul style="list-style-type: none">Example: The development of pressure ulcers due to the failure to provide the care and services needed to prevent or treat
Combinations
<ul style="list-style-type: none">There are combinations of regulation types. These regulations require not only process but also have components of outcome. Failures within systems and process regulations have the "potential to cause harm," but many times they do not have the clout of a high-level severity determination, nor should they without the outcome.

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Putting It All Together

The larger the facility, the more formalized the processes need to become. In smaller homes with stable staff and stable resident populations, less formalized processes will sometimes suffice to affect good outcomes. You can have good outcomes by chance; however, to have durable, consistent outcomes or to have a high probability of good outcomes, systems and processes need to be in place. Surveyors need to look not only at negative outcomes but also at the potential for negative outcomes.

First, we look for the outcomes, and then we look back at the facility's systems and processes and try to figure out what did not happen or should have happened that caused the outcome. This can result in a citation regarding the outcome, and a citation regarding the failed system or process. For example, the facility failed to implement skin precautions and failed to perform ongoing monitoring of the skin, the result of which was a pressure ulcer.

Regulation Wording Tips

There are also special words to help the surveyor determine the focus of the regulation:

- “Each resident” means that for every single resident, facilities must give care and services. The outcome affects consequences or potential for consequences to the specific beneficiary.
- The “facility must” is a structure or process regulation. The evidence in the structure or process proves completion of a task or not. If findings are collected and there is still a question of noncompliance or the types of deficient practice, look to the regulations for guidance. Remember, surveyors look at the practice of the facilities and providers and compare it to the expectations of the regulations.